

A.S.B.C.E.



The official Newsletter of the Alabama State Board of Chiropractic Examiners

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Presidential Message

By Gilles X. Beaumont, D.C.

Dear licensees and colleagues,

Over the past year there have been significant changes in the composition of the Alabama State Board of Chiropractic Examiners. Just recently, we mourned the loss of two very experienced and dedicated board members, Dr. Merritt Lett and Dr. Carl Nelson. We also had two board members, whose terms expired, Dr. Ron Ivie and Dr Paula Gilliam. These doctors deserve great thanks for their services to the profession. You may not have always agreed with their decisions, but be assured that whatever their views were they were always for the best interest of the public and the betterment of chiropractic. I, like other members of the profession, will miss the knowledge and wisdom they brought to the Board.

These individual doctors represented nearly 50 years of experience sitting on the chiropractic board. This is not something you can replace overnight. Although you selected excellent representatives for your districts and find them to have a high level of integrity, the fact remains that we as a Board have less years of combined experience. There is still a vacancy to be filled to replace the untimely loss of Dr. Nelson. I certainly hope that once the election is completed, we will see some calmer times for the chiropractic board. I became more aware of our situation while attending the Federation of Chiropractic Licensing Board convention in Saint Louis last month. Many representatives from other states expressed their encouragement for Alabama, knowing of the number of new board members. They understood the great need for continuity in an organization such as a state board and the difficulties and challenges this board may face in the coming year. The present board members all understand that the next few years are going to be learning years, and we ask for your patience and understanding. It will be a quick learning curve for our new

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members, which will require additional work and much time away from their practice. I hope that you will express your gratitude and support for them. Remember that we are all chiropractic physicians, and that our decisions affect all chiropractors, including board members. For that reason, you should realize that when the Board makes a decision or a ruling, a lot of careful thought and much consideration have been expended.

On the good side, consider that with new board members, fresh ideas will be generated on how we can resolve some of the present and future challenges facing the board and our profession. The present Board is an excellent cross-representation of the profession. We have young energetic members, and older more experienced ones, representing different backgrounds and schools of thought. I believe that this is the right combination to help us deal with the many issues facing contemporary chiropractic. I can assure you that we will do everything possible to preserve the practice of traditional chiropractic, and allow for the ever growing expansion of knowledge, while focusing on the best protection for the citizens of the state of Alabama.

My intent in the next year is to ask the Board to review the existing advertising rules to see if we can modify or relax some aspects of the rule to make it easier for practicing chiropractors to compete with other health professionals providing similar services, while still providing excellent public protection. There has been an ever

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Disciplinary Actions

Bonita Harris, DC (Anniston, Alabama) License # 1575 Consent order– dated May 5, 2007 -- assessing fines \$5,000.00 and cost of \$2,000.00– guilty of violating § 34-24-166(b) in connection with treatment of 2 patients. Two years probation.

Craig Mix, DC (Birmingham, Alabama) License # 2072 Consent order dated June 25, 2007– assessing fines of \$3,000.00 and cost of \$1,000.00– –guilty of violating § 34-24-166(b)(2) and (13) care plan violations.

Rodger Murphree, DC (Homewood, Alabama) License # 1360 Consent order dated April 2, 2007 – assessing fines of \$1,000.00 and costs of \$500.00 – guilty of violating 34-24-166(b)(14) advertising.

Scott Thompson, DC (Ozark, Alabama) License # 1928 Consent Order– dated April 2, 2007 – assessing fines of \$500.00 and costs of \$500.00 – guilty of violating § 34-24-166(b)(2) unprofessional conduct in advertising.

Vacant Board seat for District 2

ELECTION RESULTS

District 4

The Board and staff welcome Dr. Kenneth “Ken” Randolph as the newest member. Dr. Randolph will serve until 12/2008.

Ballots will go out the first week in July and will have to be returned to the Board and sent to the CPA to be counted. At the time of printing we do not know if there will be a run off or if the new member will be elected this month.

The District 2 seat is for the unexpired term and will expire 12/31/09.

On line seminars acceptable

You may take six (6) hours in Alabama approved on line education. Please see the seminar section of this newsletter for approved seminars. Also, you may go to the website and look at the January and April newsletters for more approved seminars.

The hours required in Board law are now available on line. However, the on line system will not give you credit for the course unless you actually review the information for the correct amount of time. You cannot receive credit for the course if you go directly to the exam, even if you pass the exam.

Go to www.chiro.alabama.gov and click the “What’s New” link on the home page to sign up for the Alabama Law Hours.

The above requirements now give a licensee the option of taking eight (8) hours per year through distance based (on-line) education. If you have any questions please call Debra at 1-800-949-5838 extension 221.

Upcoming Seminars

Data Trace Publishing Company offers the following ON-LINE seminars until December 2007. For information contact Carolyn Harding at 1-410-494-4994.

1. DC Tracts 2007
2. OUM Chiropractic Study 2007

Palmer Institute for Professional Advancement offers the following **ON-LINE** seminars until December 2007. For information contact Sharon Whitney at 1-563-884-5715.

1. "Soft Tissue Care in Chiropractic"
2. "Case Studies in Chiropractic-The Thoracic Spine I"
3. "Record keeping and Risk Management"
4. "Special Imaging for the Chiropractic Patient"
5. "Emergent Care of the Injured Individual"
6. "Nutritional Issues in Chiropractic"
7. "Core Concepts of Rehabilitation"
8. "Case Studies in Chiropractic-The Cervical Spine I"
9. "Special Populations – The Female Patient"
10. "Chiropractic Care of Peripheral Neuropathies"
11. "Concepts of a Team Chiropractor"
12. "Professional Boundaries & Chiropractic Practice"
13. "Ethical Issues in Chiropractic Practice"
14. "The Preparticipation Examination"
15. "The Spine in Sport"
16. "Patient Care in Radiology"

University of Bridgeport / Chiro Credit presents the following on line until December 2007. For information contact Paul Powers, DC at 1-860-463-9003

1. "Nutrition"
2. "Pediatrics"
3. "Physical Therapy"
4. "Physical Diagnosis"
5. "Orthopedics"
6. "Internal Diagnosis and Family Practice"

New York Chiropractic College offers the following ON LINE seminar until December 2007:

"Acupuncture Eight Extraordinary Meridians" for 4 hours
For information contact Rosemarie Burrafato at 1-516-796-5923.

NOTE: Only 6 hours per year may be taken on-line.

DC Online presents "Alabama Rules and Regulations" available **On Line**. For information and registration contact William Moreau, DC at 1-712-260-2507. (This seminar provides the required hours in Alabama Law.)



In Alabama

ASCA (Alabama State Chiropractic Association) presents:

1. "Advanced Principles of Lower Extremity Adjusting" for 12 hours August 4-5, 2007 in Huntsville, Alabama.
 2. "Beach Seminar – The Changing Role of Chiropractic in Healthcare" for 6 hours September 8-9, 2007 in Pensacola, Florida.
- For information contact Angela Ing, at 1-334-262-2228.

Chiropractic Society of Alabama presents "S.O.T. / Chiropractic Law" for 12 hours on August 11 & 12, 2007 in Birmingham, Alabama. (This includes 2 hours in Board law) For information contact Louis Poe, DC at 1-205-681-1111.

Daniel Dock presents "Auto Collision Injuries 2007" for 18 hours on August 10-11, 2007 in Orange Beach, Alabama and on September 8-9, 2007 in Birmingham, Alabama. For information contact Dr. Dock at 1-218-525-2033.

Texas Chiropractic College presents "Weight Control Strategies" for 18 hours on August 11-12, 2007 in Mobile, Alabama. For more information contact Regina Perez at 1-800-533-9822.

University of Bridgeport presents

1. "Integrating Chiropractic and Postural Rehab Exercise" for 12 hours on August 25-26, 2007 in Birmingham, Alabama
 2. "Nerve Conduction Testing" for 6 hours on September 8, 2007 in Birmingham, Alabama.
- For more information contact Richard P. Saporito, DC at 1-203-576-4335.

Near Alabama

University of Bridgeport presents "Practical Biomechanics Upper Back and Extremities for Sports and Family Practice" on July 16, 2007 in Pine Mountain, Georgia. For more information contact Richard P. Saporito, DC at 1-203-576-4335.

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increasing encroachment in the field of chiropractic by other providers, and it appears that this trend will continue in the future. This makes it more challenging for chiropractic physicians to maintain their edge in the treatment of neuromusculoskeletal conditions and attract patients to their offices. Chiropractic advertising rules and regulations should not be more restrictive than that of other professions rendering same or similar services. Chiropractic licensees should have a fair chance to compete on an equal basis. The process will have to be done so that all changes are well understood by licensees to avoid violations.

As with any granted liberties, licensees will have to understand that if the Board is able to relax parts of the advertising rule, it will be their responsibility to make sure that they obey the law and not try to misapply any changes. I personally will not tolerate or have any sympathy for those who would knowingly misuse amended regulations, and I hope that other board members will have similar views.

On a different subject, one issue that has been confronting the chiropractic profession during the past few years is the increasing requirement from insurance carriers that certain physiologic therapeutics must be done by the licensed chiropractor, physician, physical therapist, or "licensed" certified physical therapist assistant, in order to be eligible for reimbursement. This requirement causes chiropractic physicians to use valuable time and professional resources away from more important patient oriented primary care. I believe that properly prescribed physiologic therapy treatments can be done by well trained certified chiropractic assistants under the direct supervision of licensed chiropractic physicians. It is my intention to have the Board develop legislation and rules to license certified chiropractic assistants (similar to certified physical therapist assistant) so that it complies with the requirements created by insurance carriers.

In addition we must look at the future and take pro-active steps in licensing of other chiropractic assistant specialties. We should have licensure for chiropractic radiology technologist and certified chiropractic physician assistants (like physician's assistant). The time has come to enter the 21st century concerning the proper certification of chiropractic assistants. The Board will work closely with state association(s) to develop and create the best possible legislation model that will provide for patient safety and ease of certification. Please, do not fly off the handle right now; let us work on the details before you get all worked-up about it. We realize that changes are sometimes difficult to handle by chiropractors, and we will try to make the transition as easy as possible.

I would like to remind all clinic owners, especially those who are not chiropractors that all the chiropractic Rules and Regulations, and the Code of Alabama also apply to you. Any violations will be prosecuted to the full extent of the law. This profession has worked too hard to establish the respect it deserves and the present legal status. No one should take these rights for granted, especially non-chiropractor clinic owners. It behooves you to maintain the highest set of professionalism and ethics in your daily chiropractic related activities. You are privileged to be able to make financial gains because of the hard work and sacrifice of countless chiropractic pioneers. Please be respectful of the chiropractic profession and what it stands for. I would also like to remind licensed chiropractors who are employed by clinic owners that they are personally responsible for any violations in which their name appears. I strongly suggest that you discuss this matter with your employer and develop a mutual understanding about rules and regulation, especially advertising.

Finally, I would like to remind all licensees and clinic owners that when you receive a letter from Mr. Jim Ward, attorney for the board, that the content of the letter is not his, but that of the Board. All legal decisions, Board opinions, and other legal communications with licensees, clinic owners, and other entities are done by Mr. Ward's law firm for the board but in no way does it represent his opinion or that of his firm. So, the next time you receive communication from Mr. Ward, what you are getting is a legally prepared letter of the Board's position, opinion, or judgment regarding the matter between the Board and the entity. Please remember, "Do not kill the messenger", Mr. Ward is only doing the duties assigned to him by the Board. He should be treated professionally and with respect.

Remember, members of the Board of Chiropractic Examiners are working hard to first protect the public, and second, the chiropractic profession.

Notes from Advisory Opinions

The following are highlights from those opinions issued:

- Doctors names must be “conspicuously placed” as outlined in Rule 190-X 5-.04 In the TV commercials submitted the names were too small to be read and did not appear on the screen for long enough to be read. Names must be printed large enough to be read and appear long enough to be read.
- The disclaimer must be separate and apart from any other language in the ad. In the ad submitted the disclaimer was in the same paragraph as the explanation for the service provided and both were listed in all caps.
- When gratuitous services are advertised, the following is required by federal law §1128A(a)(5): This offer does not apply to those who receive Medicare, Medicaid or who are eligible to receive benefits from Federal Insurance.
- “PEEHIP provider” there is no such designation. You should use the wording “PEEHIP accepted”
- The testimonial must be from one of your patients who you have treated or the testimonial cannot be used. No advertisement containing a testimonial may be disseminated unless the chiropractor has first submitted to the Board an authorization from the person making the testimonial regarding the claims made in the testimonial. The authorization must be signed by the patient and witnessed and on file in the board office.
- “Non Surgical Pain Relief” appearing over list of conditions treated is not acceptable. The phrase “Non Surgical Treatment of” is acceptable.
- The Massage Therapy Act mandates that whenever massage therapy services are advertised as an adjunct to the primary services being offered (chiropractic) an exemption must be obtained from the MT Board. If you advertise these, please submit a copy of your exemption and the names and license numbers of the massage therapist in your office.
- A licensee cannot describe themselves as primary care physicians rather state “chiropractic physician”.
- The licensee should have only one clinic name and use only that clinic name with his name in all advertising.
- Photos of non licensees must be properly identified in advertisements.

The remaining ads submitted for opinion needed no changes. Thanks again to the licensees who work hard to stay informed and produce compliant advertising materials.

Congratulations to those licensed since April 2007

Misty Marie Browning
Eric N. Codner
Jason Patrice Garwood
Johnnie L. Morgan
Charles J. Pope
Jarod Rybacki
Sean P. Wallis

of Decatur, Alabama
of LaGrange, Georgia
of Centennial, Colorado
of Woodstock, Georgia
of Gardendale, Alabama
of Nashville, Illinois
of Meridianville, Alabama

Condolences to:

One April 14, 2007 **Dr. Carl E. Nelson** passed away. Dr. Nelson graduated Life University in 1981 and received his Alabama license in 1981. He was currently serving as President of the Alabama Board of Chiropractic Examiners. Dr. Nelson served as a Board member from January 1990 thru December 1994 and was elected to the Board for a 2nd term which began January 2002. The Board and staff send regrets and condolences to the family and friends of Dr. Nelson.

On April 28, 2007 **Dr. Donald E. Wilkinson** passed away. Dr. Wilkinson graduated Life University in 1959 and received his Alabama license in 1991. Dr. Wilkinson practiced in Kentucky. The Board and staff send condolences to the family and friends of Dr. Wilkinson.

Rules - Update

The Board did not adopt the proposed amendment to 190-X-5-.07 Trust Accounting Procedures for Pre-Payment Plans - the rule will be redrafted for the August meeting.

This newsletter contains copies of the repropoed changes to 190-X-5-.09 Chiropractic Records Required: Release of Records, 190-X-3-.02 Chiropractic Physiological Therapeutics, and 190-X-3-.01 Acupuncture (deadline for comments is August 4, 2007) final text will be in the October 2007 newsletter.

LICENSE RENEWAL REMINDER

The Board mailed postcards in mid June reflecting the hours on file for license renewal. The on line renewal application will start on August 15, 2007 and be open through December 31, 2007. Remember renew early to avoid additional fees at www.chiro.alabama.gov click on the online button and select license renewal. You may use Visa, MasterCard, Discover or e-check to renew your license.

These are the rules which were re proposed in June. The deadline for comments is August 4, 2007.

RULE 190-X-3-.01 Acupuncture.

(1) Definition. Acupuncture as used in this Rule means a modality consisting of stimulating various points on or within the human body or interruption of the cutaneous integrity by specific needle insertion.

(2) Practice Permitted ~~Upon Certification. Any person licensed to practice chiropractic in Alabama may practice acupuncture upon certification by the Board. The following requirements must be met for certification: No person licensed to practice chiropractic in Alabama shall practice Acupuncture unless they have complied with the following requirements:~~

(a) ~~A minimum of one~~ One Hundred hours of study ~~from Board approved sources.~~

(b) Pass an examination administered by a school or college ~~of chiropractic~~ approved by the Board or pass the National Board of Chiropractic Examiners Acupuncture examination.

(3) Statement of Policy. It is the policy of the Board to approve the course of study in acupuncture at any accredited college of chiropractic, the general curriculum of which has previously been approved by the Board, which teaches acupuncture as a part of its curriculum and which stages examinations for certification.

Effective: 3/6/90; amended 6/92; amended 6/07

Authority: 34-24-120; 34-24-144; 34-24-165

RULE 190-X-3-.02 Chiropractic Physiological Therapeutics.

(1) Definition. Chiropractic Physiological Therapeutics includes, but is not limited to, modalities which produce electrical current, light, air, water, thermal (hot and cold), percussion, vibration, traction, massage, sonic wave; colonic irrigation, and rehabilitation equipment (bracing and casting).

(2) Practice Permitted ~~Upon Certification. Any person licensed to practice chiropractic in Alabama may practice or prescribe chiropractic physiological therapeutics upon certification by the Board. The following requirements must be met for certification: No person licensed to practice chiropractic in Alabama shall practice Chiropractic Physiological Therapeutics unless they have complied with the following requirements:~~

(a) ~~A minimum of one~~ One hundred twenty hours or study ~~from Board approved sources.~~

(b) Pass an examination administered by a school or college approved by the Board or pass the National Board of Chiropractic Examiners Physiotherapy examination. This applies to all persons licensed to practice chiropractic in Alabama who matriculated in a chiropractic college on or after January, 1988.

~~(3) This rule applies to all persons licensed to practice chiropractic in Alabama who matriculated in a chiropractic college on or after January 1, 1988. Persons licensed to practice chiropractic in Alabama who matriculated in chiropractic college before January 1, 1988, may, upon application to the Board, be certified to practice chiropractic physiological therapeutics without complying with the requirements of part 2 of this rule.~~

Effective: 3/6/90, (3) amended 12/90; amended 6/07

Authority: 34-24-120; 34-24-165; 34-24-144

RULE 190-X-5-.09 Chiropractic Records Required; Release of Records.

(1) The ~~Board~~ ~~Boards~~ finds and declares that the maintenance of an adequate record in the treatment of a patient is an essential component of the standard of care. Chiropractors should maintain legible well documented records reflecting the history, findings, diagnosis and course of treatment in the care of a patient. Patient records should be maintained by the treating chiropractor. Any licensee who fails to keep for a minimum of five (5) years all written chiropractic records which justify the particular course of treatment of the patient engages in immoral and / or unprofessional ~~or and dishonorable~~ conduct as defined in Rule 190-X-5-.05.

(2) The Board finds and declares that, while physical chiropractic records may rightfully be considered the property of the licensee or the chiropractic clinic facility where the licensee may be employed, the chiropractic patient is just as rightfully entitled to the information contained in any chiropractic records related to his or her care for any legitimate purposes, which such legitimate purposes certainly includes the obtaining of second chiropractic or medical opinions.

- (a) Upon request of a patient or authorized agent of a patient, licensees and clinic permit holders are required to, at a minimum, ~~immediately~~ turn over to a patient or his or her authorized agent legible and accurate copies of any pertinent chiropractic records of the patient when requested to do so by the patient or his or her authorized agent for a legitimate purpose which is stated in writing and signed by the patient. The reasonable costs of reproducing copies of written or typed documents, or reports shall not be more than one dollar (\$1) for each page of the first 25 pages, not more than 50 cents (\$.50) for each page in excess of 25 pages, and a search fee of five dollars (\$5). If the records are mailed to the person making the request, reasonable costs shall include the actual costs of mailing. A person may also charge the actual cost of reproducing X-rays and other special chiropractic records.
- (b) The release of chiropractic records hereunder may not be made contingent upon payment of any other fee or charge owed by the patient. Failure to provide records to patient upon request in accordance with this rule shall constitute immoral or unprofessional ~~and / or dishonorable~~ conduct as defined in Rule 190-X-5-.05.
- (c) The provision of this rule shall not apply to records subpoenaed by the State Board of Chiropractic Examiners.

(3) Request for records from another healthcare practitioner must be released within 10 working / business days.

(4) Upon receipt of a properly signed and executed release from the patient, the licensee or clinic permit holder, at his discretion, may release the original or a copy of x-ray film and a copy of the patient records, etc. to the patient or their designee.

(5) If the Board receives a complaint against a licensee or clinic permit holder where the licensee or clinic will not release the records to a patient at the patient's request, a letter from the Board will be sent via Certified Mail to the licensee / permit holder to release the records to the patient within 10 days of receipt of the certified letter, and submit proof that the records have been mailed to the patient (via Certified Mail) to the Board within 10 days as well. The licensee / permit holder must either submit to the Board proof of the mailing of the records or respond to the Board as to why the records cannot / will not be mailed within 10 days of receipt of the certified letter from the Board.

(6) If the Board has not received proof that the records have been released to the patient, or has not received a response from the licensee / permit holder within 15 days of the date the request was mailed from the Board's office, the chiropractor will be subject to discipline for unprofessional conduct.

(7) Transfer or Disposal of Records. When a licensee retires, terminates employment or otherwise leaves a chiropractic practice, the licensee is responsible for ensuring that active patients receive reasonable notification and are given the opportunity to arrange for the transfer of their patient records. A licensee or the chiropractic clinic which employs the licensee should not withhold information from a departing chiropractor which is necessary for the notification of patients. A licensee or the estate of a deceased chiropractor transferring patient records in connection with the sale of a practice should notify the active patients that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the patient record.

Effective: 10/1/82, amended 3/22/84, 7/6/93, (1)(3) amended 6/98, (2)(a)(b)(c) amended 8/99; amended 6/2007

Authority: 34-24-144; 34-24-165; 34-24-166(2)

Treatment explanations

It has come to the attention of the Board that several doctors have failed to explain some treatments to patients prior to the actual treatment. There have been several complaints filed recently involving tests or treatments which made the patient uncomfortable or in which the patient felt there was inappropriate touching.

Some of the complaints could have been avoided if the doctor had explained what they were about to do and obtained permission from the patient prior to touching. Even if the treatment is an acceptable treatment, failure to explain and obtain permission could be considered unprofessional conduct.

The Board realizes that licensees are very busy and sometimes forget to explain treatment. However, be advised that if treatment is going to be near a personal area, please take the extra time needed to explain to the patient and make sure you have their consent. This could prevent someone filing a complaint on you.

Newsletters available on website only

Please be advised that beginning January 2008 the Board will no longer mail paper newsletters out. The Board will no longer send postcard reminders when the newsletter is posted. All interested parties should visit www.chiro.alabama.gov select the newsletter button and print the PDF copy of the newsletter.

The newsletter is published quarterly by placing the PDF on the Board website. Past newsletters will remain on the website for several months, in case a licensee needs to reprint. The Board will continue to email notices for 2008 to remind licensees to visit the website when the newsletter is published.



MEETING DATES

August 3 & 4, 2007 Board meetings and hearings at the Clanton Board office.

October 11–13, 2007 Board meetings in Orange Beach Alabama.

December 7 & 8, 2007 Board meetings and hearings at the Clanton Board office.

Please visit the Secretary of State's website for exact meeting information.

About the Board

Gilles X. Beaumont, DC, President, Member District 1

R. Brian Wells, DC, Vice – President, Member District 3

Jerry L. Schreiner, DC Secretary / Treasurer, Member District 7

Kenneth J. Randolph, Member District 4

Larry H. Heaton, DC, Member District 5

Gerald J. Collins, DC, Member District 6 / Preceptor Director

Ricardo Herring, DC, Minority Member

Jeanette Greene, Consumer Member

Vacant, Member District 2

James S. Ward, Esquire Board Attorney

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BULK RATE PERMIT NO. 14 CLANTON
